

Judicial Branch Education Commission
Minutes
(Unofficial Until Approved)
February 13, 2015

Members Present

Judge Steven McCullough, Chair
Justice Daniel Crothers
Judge Debbie Kleven via telephone
Judge John McClintock via telephone
Chris Iverson, Assistant Trial Court Administrator
Cory Pedersen, Unit 3 Juvenile Court Director
Larry Zubke, Technology Director
Dean Kathryn Rand

Members Absent

Dean Kathryn Rand
Judge David Reich
Municipal Judge Darcie Einarson

Staff Present

Lee Ann Barnhardt, Director of Education and Communication
Scott Johnson, Asst. State Court Administrator for Trial Courts
Kimberly Dockter, Special Projects Coordinator
Lana Zimmerman, Scribe

Guests

Tony Weiler, SBAND Executive Director
Peter Welte, Attorney, SBAND CLE Committee

Judge McCullough called the meeting to order. **A motion was made by Judge Kleven to approve the September 12, 2014, meeting minutes. The motion was seconded by Justice Crothers. Motion carried.**

Proposal to Reinstate the Bench and Bar Seminar

Tony Weiler and Peter Welte asked the Commission to consider reinstating the Bench and Bar Seminar or to conduct a seminar that includes both attorneys and judges. The last Bench and Bar Seminar was in 2008 in October. After discussion, it was determined that Mr. Weiler and Ms. Barnhardt would work on a CLE/CJE event for both attorneys and judges to attend, preferably during the SBAND annual meeting.

Old Business

I. Conference Updates - Ms. Barnhardt updated the Commission on the progress of the following conferences.

A. The Indian Child Welfare Conference (ICWA) is scheduled February 18-20, 2015, at the Baymont Inn and Suites in Mandan. There are 20 court staff attending the conference. Topics included are child welfare, culture, mental health, wellness and juvenile justice.

B. The Adult Guardianship and Elder Justice Symposium is scheduled March 11-12, 2015, at the Ramkota Hotel in Bismarck. There are approximately 106 participants registered to date. Chief Justice Gerald VandeWalle will start the conference with a welcome and opening. Ms. Brenda Uekert, a Research Consultant with the National Center for State Courts, will conduct a plenary session on Adult Guardianships: Contemporary and Emerging Issues. Mr. Paul Greenwood, a Deputy District Attorney in San Diego, California, will conduct a plenary session on Overcoming Misconceptions Surrounding the Successful Investigation and Prosecution of Elder Abuse as a crime. There will be concurrent sessions on Guardians: Standards, Roles and Expectations, Dissecting a Criminal Financial Elder Abuse Case, Determination of Capacity, Neuropsychological Risk Factors for Undue Influence, Case Studies: When Guardianships Fail, and The Case for Court Monitoring. The ending plenary session will be provided by Philip C. Marshal, titled. "When Elder Financial Abuse Hits Home, It Hurts: The Brooke Astor Case."

C. The Juvenile Court Conference is scheduled April 7-8, 2015, at the Radisson Hotel in Bismarck. Heather Simonich with the Neuropsychiatric Research Institute will conduct an interactive workshop aimed at improving the response to court involved youth who have experienced traumatic life events. The concurrent sessions will be a Law and Literature session and a session on Vicarious Trauma. The ending plenary session will be provided by Liza Long the Author of "The Price of Silence", A Mom's Perspective on Mental Illness.

D. The Advanced Faculty Development Seminar is scheduled April 15-17, 2015, at the Bismarck State College Energy Center. Kathy Story will facilitate this seminar. There are approximately 25 judicial staff registered.

E. The Clerk of Court Conference is scheduled May 6-8, 2015, at the Hilton Garden Inn in Grand Forks. The theme this year is "Million Dollar Clerks". The ILG course will be Grammar Basics and the Heart of Communication. There will be a Q&A Update on the Courts and a 2015 Legislative update. Concurrent sessions will include, Working with Protection Orders, Municipal Court Round Table, Culture, Communication and the Operation of Bias, Ethics & Social Media for Court Staff, and Learning Through Literature. The ending plenary session, Think on the Spot: Effectiveness Under Pressure, will be provided by Toni Halleen of Minneapolis, MN.

F. The Judicial Institute is scheduled May 18-20, 2015, at the Alerus Center in Grand Forks. Day 1 - Justice Crothers and Mark Lanterman will conduct a morning session on electronic evidence. The afternoon session will be conducted by Dr. Kent Kiel from the University of New Mexico and also the Director of the Mind Research Network out of Albuquerque, NM. He will conduct a session on the intersection of neuroscience and the law. Day 2 - This day will focus on current issues in the law such as human trafficking and legislative updates. Day 3 - This day will consist of Law Justice and the Holocaust and how the courts failed Germany.

II. Proposed Changes to Administrative Rule 36

After a brief discussion with the new changes to Administrative Rule 36, there was a suggestion to Rule 4(e) to add a fiscal note when sending the changes to the Supreme Court for approval. Lee Ann Barnhardt and Dion Ulrich will write a fiscal note for this section. **A motion was made by Scott Johnson to attach a fiscal note along with Administrative Rule 36 when sending to the Supreme Court for approval. The motion was seconded by Cory Pedersen, motion carried.**

A motion was made by Cory Pedersen to approve the changes to Administrative Rule 36 as proposed. The motion was seconded by Chris Iverson, motion carried.

III. Web Updates

Kimberly Dockter updated the Commission on the Education Website. She has been working with Craig Stamaris and Mike Sampson with the I.T. Department. There is a basic structure set up with a goal of providing conference materials and links to better access documentation for anything pertaining to education. Ms. Dockter will meet with Larry Zubke and staff and bring back a more detailed timeline and plan at the next Commission meeting.

The live webinar training that was offered to the Clerks of Court is now in a recorded library online. The live online training will now be offered to the juvenile court staff beginning with Unit 1 and will proceed to rollout to court recorders at a later date.

IV. Course Approval Proposed Procedure

After discussion, the new language in Section D. Commission Action reading;

The Commission or a subcommittee of the Commission shall approve or deny the application within thirty days of the receipt of all materials required for approval. Failure of the Commission or subcommittee to act within thirty days shall result in the approval of the course.

1. The subcommittee will consist of three Commission members appointed by the Chair, who will also appoint a chair of the subcommittee.
2. If the subcommittee needs more information, the subcommittee chair shall request additional information from the applicant.
3. Subcommittee members will review all course applications and vote on approval.
4. The final decision of the subcommittee will be reported to the Director of Education and Communication.

Justice Crothers made a motion to approve the new language in Section D. The motion was seconded by Judge McClintock, motion carried.

A motion was made by Justice Crothers to change the language in Section E, first sentence

from “A judge” to “The applicant”. The motion was seconded by Cory Pedersen, motion carried.

New Business

I. Appointment of new member to sub-committee

Judge McCullough appointed Municipal Judge Darcie Einarson to the education sub-committee. He also appointed Judge John McClintock as the chair of the education sub-committee.

II. Annual Review of Strategic Plan

Please refer to the Strategic Plan handout. Ms. Barnhardt reviewed the comments under status with the Commission.

III. Meeting Dates

Ms. Barnhardt will send out proposed meeting dates for May, August and December 2015.

A motion was made by Cory Pedersen to adjourn the meeting. The motion was seconded by Justice Crothers, motion carried.

Meeting adjourned at 11:30am.

